THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 20267 of 2005

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Dated:26.09.2005

Between:

Dasari Satyamma, w/o Ramachandraiah,
r/o Tadlapally Village, Timmareddygudem, Shahabad Mandal,

Ranga Reddy District.

..... PETITIONER

AND

The Commissioner (Appeals), O/o Chief Commissioner of Land

Administration, Nampally, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 20267 of 2005

ORDER:

The petitioner is a resident of Tadlapally Village. She was allegedly assigned the land in Survey No.39 admeasuring Ac.1.19 cents, which she statedly is cultivating after obtaining necessary pattadar pass books and record of rights. It appears, the second respondent cancelled the assignment in June 2004. Aggrieved by the same, the petitioner preferred an appeal before the first respondent, who by proceedings dated 16.08.2004 stayed the orders of the second respondent and summoned the record. The petitioner states that when respondents 4 and 5 tried to interfere with the possession of the petitioner's property, she filed O.S.No.22 of 2004 on the file of the Court of the Junior Civil Judge, Chevella, Ranga Reddy District, for perpetual injunction. She has also obtained *ad interim* injunction in I.A.No.65 of 2004 in the said suit. She alleges that at the behest of the third respondent, respondents 4 and 5 are still interfering with her possession, as there are number of toddy trees in the land. Therefore, she filed the present writ petition seeking a declaration that the

action of the third respondent in encouraging respondents 4 and 5 to interfere with the petitioner's possession is arbitrary and illegal.

After obtaining instructions from the third respondent, the learned Assistant Government Pleader submits that the copy of the order, dated 16.08.2004, passed by the first respondent is not produced before the Mandal Revenue Officer and that the petitioner's assignment was cancelled in 1999, and the petitioner managed to get a fake certificate on 21.05.2004. He also submits that the petitioner is never in possession of the property, therefore, the question of interference of the possession does not arise.

The petitioner, admittedly, approached the Civil Court and obtained *ad interim* injunction. If any of the parties to I.A.No.65 of 2004, respondents 4 and 5 herein or third parties interfere with the petitioner's possession, it is open to the petitioner to approach the Civil Court and obtain appropriate orders for violation of the orders of injunction. The appeal is pending before the Commissioner, and therefore, the Commissioner is directed to dispose of the appeal within a period of four weeks from the date of receipt of a copy of this order, if the appeal is still pending. Pending such appeal, in view of the orders of the first respondent, if the petitioner is still in possession of the property, there shall be status quo as on today.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

26.09.2005

vs